

## REMARKS

The formal objections have been cured.

Claim 1 has been amended to call for a sidewall spacer that protects the side of both the polysilicon gate structure and extends over the mask as well. This prevents silicide formation at the joint between the mask and the polysilicon gate. No such structure is shown in Lee. For example, in Figures 1A and 1B, Lee shows a spacer 14 having a height commensurate with the height of the gate 10. Therefore, Lee teaches away from the claimed invention.

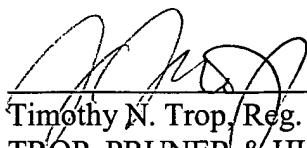
Claim 14 has been amended to include the subject matter corresponding to claim 15.

The Examiner suggests that Lee teaches protecting one gate while forming a silicide on another gate and that Gardner teaches replacing a polysilicon gate with a metal gate. However, the combination of the two references still does not teach forming a silicide on one gate structure and replacing the other gate structure.

Gardner never needs to worry about forming a silicide because he is not teaching any gate structure which has the silicide on it. Therefore, Gardner does not face the problem of trying to replace a polysilicon gate structure with a metal gate and the problem of silicide formation over a gate which is intended to remain a polysilicon gate. Lee does not address the problem of trying to replace gates with metal and also forming polysilicon gates with silicide. In short, Lee does not teach the idea of masking the particular gate that will be replaced while allowing silicide to form over a particular gate which will not be replaced. Therefore, reconsideration of the rejection of claim 14 as amended is respectfully requested.

Respectfully submitted,

Date: June 3, 2004

  
\_\_\_\_\_  
Timothy N. Trop, Reg. No. 28,994  
TROP, PRUNER & HU, P.C.  
8554 Katy Freeway, Ste. 100  
Houston, TX 77024  
713/468-8880 [Phone]  
713/468-8883 [Fax]